

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Bank of America, N.A.,
Plaintiff

v.

Fidelity National Title Group, Inc., *et al.*,
Defendants

Case No. 2:21-cv-00971-CDS-EJY

**Order Granting Plaintiff's
Motion to Remand**

[ECF No. 7]

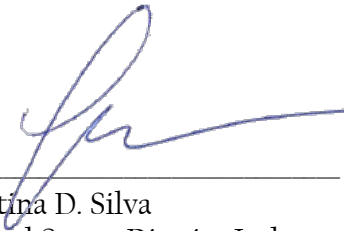
Plaintiff Bank of America, N.A. moves to remand this action to state court. ECF No. 7. This case was stayed by stipulation after Bank of America filed its motion, as the parties anticipated that an appeal in a separate case before the Ninth Circuit ("*Wells Fargo II*") might help to resolve Bank of America's underlying claims. Order Granting Stipulation to Stay Case, ECF No. 17. The matter was administratively reassigned to me on April 13, 2022, while the stay was in place. ECF No. 20. Noting that the Ninth Circuit issued a mandate in *Wells Fargo II*, I sua sponte lifted the stay and reactivated the motion to remand. Order Lifting Stay, ECF No. 25. As part of that order, I required the parties to submit a proposed briefing schedule on the motion to remand and Bank of America's related motion for attorney's fees (ECF No. 8). *Id.*

The parties then stipulated to a reset briefing schedule, and Bank of America withdrew its motion for fees and costs. ECF No. 26 at 2. They also agreed that "Defendants' Response to [Bank of America's] Motion for Remand [would] be due within 30 days from the entry of the Order approving [the] stipulation." *Id.* On August 19, 2022, I issued an order granting the stipulation and giving defendants until September 19, 2022, to respond. ECF No. 28. That deadline has long passed, and defendants have yet to file a response to plaintiff's now-reopened motion to remand. Defendants' failure to respond constitutes a consent to the granting of the motion to remand. *See* LR 7-2(d) ("The failure of an opposing party to file points and authorities

1 in response to any motion [except motions for summary judgment or attorney's fees] constitutes
2 a consent to the granting of the motion.”).

3 IT IS THEREFORE ORDERED that plaintiff's motion to remand [ECF No. 7] is
4 GRANTED. The Clerk of Court is directed to REMAND this case back to the Eighth Judicial
5 District Court, Department 23, Case Number A-21-834935-C, and CLOSE THIS CASE.

6 DATED this October 19, 2022.

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Cristina D. Silva
United States District Judge